



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 4

FOLEY & LARDNER
2029 CENTURY PARK EAST
35TH FLOOR
LOS ANGELES, CA 90067-3021

COPY MAILED

AUG 02 2002

OFFICE OF PETITIONS

In re Application of
Shaun Pendo et al
Application No. 10/038,276
Filed: December 31, 2001
Attorney Docket No. 047711-0280

:
: DECISION GRANTING
: PETITION
:
:

This is a decision on the paper styled "PETITION TO CORRECT FILING DATE" filed July 17, 2002, which is proper treated as a petition under 37 CFR 1.10(d), requesting that the above-identified application be accorded a filing date of December 31, 2001, rather than the presently accorded filing date of January 2, 2002.

Applicants request the earlier filing date on the basis that the application was purportedly deposited in Express Mail service on December 31, 2001, pursuant to 37 CFR 1.10. In support applicants submit, inter alia, a copy of a U.S. Postal Service (USPS) record styled "Pickup Service Statement for Express Mail, Priority Mail, or Parcel Post" showing that a package bearing Express Mail label No. EL926457574US was picked up by the USPS from counsel's office on December 31, 2001. The same Express Mail receipt number was referred to in the copy of the original transmittal letter submitted with the present petition.

Since the evidence from the USPS, namely, the Express Mail pickup Service Statement, corroborates a "date-in" of December 31, 2001, the petition is granted. The \$130.00 petition fee is being credited to counsel's deposit account.

The application is being returned to Initial Patent Examination Division for correction of the filing date to December 31, 2001.

Telephone inquiries specific to this matter should be directed to Wan Laymon at (703) 306-5685.

Brian Hearn
Special Projects Examiner
Office of Petitions
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects